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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,401	08/23/2001	Michael G. Lisanke	SOM920010004US1	9934

23334 7590 10/21/2005

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EXAMINER	
BADII, BEHRANG	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/938,401	LISANKE ET AL.	
	Examiner	Art Unit	
	Behrang Badii	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/20/03 & 2/20/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Applicant's election without traverse of claims 1-18 in the reply filed on 8/8/05 is acknowledged.

The requirement is still deemed proper and is therefore made FINAL. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claims 19-21 are hereby cancelled.

Claims 1-18 have been examined. p = paragraph, e.g. p1 = paragraph 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 5, 7, 8, 10, 14, 16 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owashi et al., U.S. patent application publication 2004/0190857, and further in view of Baugh et al., 5,815,553.

As per claims 1 and 10, Owashi et al. discloses a method/computer readable medium containing programming instructions on an end-user-system to prevent an unauthorized recording of multimedia content as a result of rendering of at least part of the multimedia content, the method comprising:

an end-user-system that can receive at least a part of a multimedia content (p57, claim 3, abstract, fig's. 1 & 2);

decrypting at least part of the multimedia content (p57); and

rendering the at least part of the multimedia content which has been decrypted (p57). Owashi et al. does not disclose opening input devices and/or ports which are connected to other ports or end users. Baugh et al. discloses opening input devices and/or ports which are connected to other ports or end users (col.6, 35-50; col.7, 1-7, 18-30). It would have been obvious to modify Owashi et al. to include opening input devices and/or ports such as that taught by Baugh et al. in order to have control over the devices in the transaction.

As per claims 5, 7, 8, 14, 16 & 17 Owashi et al. discloses a method/computer readable medium containing programming instructions on an end-user-system to prevent an unauthorized recording of multimedia content as a result of rendering of at least part of the multimedia content as described above. Owashi et al. does not disclose completing the rendering of the at least a part of the multimedia content; closing all waveout devices and/or ports that were used for rendering; and closing all wavein devices and/or ports that were opened during rendering, determining the number of wavein type devices and/or ports coupled to the end user system or the Microsoft Windows API of waveingetnumdevs(). Baugh et al. discloses completing the rendering of the at least a part of the multimedia content; closing all waveout devices and/or ports that were used for rendering; and closing all wavein devices and/or ports that were opened during rendering (col.6, 35-50; col.7, 1-7, 18-30), determining the number of wavein type devices and/or ports coupled to the end user system (col.6, 35-50; col.7, 1-7, 18-30) and the Microsoft Windows API of waveingetnumdevs() col.4, 34-

44). It would have been obvious to modify Owashi et al. to include completing the rendering of the at least a part of the multimedia content; closing all waveout devices and/or ports that were used for rendering; and closing all wavein devices and/or ports that were opened during rendering, determining the number of wavein type devices and/or ports coupled to the end user system or the Microsoft Windows API of waveingetnumdevs() such as that taught by Baugh et al. in order to have the capability to close and open the devices at times such as the beginning, middle or end of recording to protect the data being recorded.

Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owashi et al., U.S. patent application publication 2004/0190857 as applied to claim 1 and 10 above, and further in view of Uzawa et al., U.S. patent 4,796,301.

As per claims 2 and 11, Owashi et al. discloses a method/computer readable medium containing programming instructions on an end-user-system to prevent an unauthorized recording of multimedia content as a result of rendering of at least part of the multimedia content as discussed above. Owashi et al. does not disclose determining if a given device and/or port is capable of recording at least a part of the multimedia content at a predetermined quality level; opening the given device and/or port if it is determined to be at or above the predetermined quality level; or not opening the given device and/or port if the recording quality is determined to be below the predetermined level. Uzawa et al. discloses determining if a given device and/or port is capable of recording at least a part of the multimedia content at a predetermined quality level; opening the given device and/or port if it is determined to be at or above the

predetermined quality level; and not opening the given device and/or port if the recording quality is determined to be below the predetermined level (abstract). It would have been obvious to modify Owashi et al. to include determining if a given device and/or port is capable of recording at least a part of the multimedia content at a predetermined quality level; opening the given device and/or port if it is determined to be at or above the predetermined quality level; and not opening the given device and/or port if the recording quality is determined to be below the predetermined level such as that taught by Uzawa et al. in order to determine the level of quality at which the data can be recorded such that to protect the data in the instance at which the quality of the data can not be recorded under a certain threshold.

Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owashi et al., U.S. patent application publication 2004/0190857 as applied to claims 1 and 10 above, and further in view of Uzawa et al., U.S. patent 4,796,301 and Baugh et al., U.S. patent 5,815,553.

As per claims 3 and 12, Owashi et al. discloses a method/computer readable medium containing programming instructions on an end-user-system to prevent an unauthorized recording of multimedia content as a result of rendering of at least part of the multimedia content as discussed above. Owashi et al. does not disclose determining if a given device and/or port is capable of receiving content at least equal to a predetermined quality level and if the given device and/or port is capable of receiving content at least equal to the predetermined quality then performing: determining if the given device and/or port is open and if the device and/or port is not open then

performing the step of; opening the device and/or port. Uzawa et al. discloses determining if a given device and/or port is capable of receiving content at least equal to a predetermined quality level and if the given device and/or port is capable of receiving content at least equal to the predetermined quality (abstract). Baugh et al. discloses determining if the given device and/or port is open and if the device and/or port is not open then performing the step of; opening the device and/or port (col.6, 35-50; col.7, 1-7; 18-30). It would have been obvious to modify Owashi et al. to include determining if a given device and/or port is capable of receiving content at least equal to a predetermined quality level and if the given device and/or port is capable of receiving content at least equal to the predetermined quality such as that taught by Uzawa e al, and determining if the given device and/or port is open and if the device and/or port is not open then performing the step of; opening the device and/or port such as that taught by Baugh et al. in order to determine the level of quality at which the data can be recorded such that to protect the data in the instance at which the quality of the data can not be recorded under a certain threshold and order to have the capability to close and open the devices at times such as the beginning, middle or end of recording to protect the data being recorded.

Claims 4, 6, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owashi et al., U.S. patent application publication 2004/0190857 as applied to claims 1 and 10 above, and further in view of Baugh et al., U.S. patent 5,815,553 and Terho et al., U.S. patent 6,119,180.

As per claims 4, 6, 13 and 15, Owashi et al. discloses a method/computer readable medium containing programming instructions on an end-user-system to prevent an unauthorized recording of multimedia content as a result of rendering of at least part of the multimedia content as discussed above. Owashi et al. does not disclose determining if the given device and/or port is authorized to be opened; returning an error message to an end user if the device and/or port is not authorized to be opened; and stopping the rendering of the at least part of the multimedia content or a modem connection. Baugh et al. discloses determining if the given device and/or port is authorized to be opened and stopping the rendering of the at least part of the multimedia content (col.6, 35-50; col.7, 1-7, 18-30). Terho et al. discloses returning an error message (col. 7, 19-39; col. 9, 5-20) and a modem connection (fig's. 1, 2 & 4). It would have been obvious to modify Owashi et al. to include determining if the given device and/or port is authorized to be opened and stopping the rendering of the at least part of the multimedia content such as that taught by Baugh et al. and returning an error message and a modem connection such as that taught by Terho et al. in order to let the user know when the error has occurred and log the error so that it can be solved for future reference.

Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owashi et al., U.S. patent application publication 2004/0190857 as applied to claims 1 and 10 above, and further in view of Silverbrook et al, U.S. patent application publication 2005/0218236.

As per claims 9 and 18, Owashi et al. discloses a method/computer readable medium containing programming instructions on an end-user-system to prevent an unauthorized recording of multimedia content as a result of rendering of at least part of the multimedia content as discussed above. Owashi et al. does not disclose a storage medium selected from a group of storage mediums consisting of disk drive, cassette tape; CD, DVD, diskette drive, network storage, Zip Drive, Compact Flash, Smart Flash and minidisk. Silverbrook et al. discloses a storage medium selected from a group of storage mediums consisting of disk drive, cassette tape; CD, DVD, diskette drive, network storage, Zip Drive, Compact Flash, Smart Flash and minidisk (p11, 12, 318, 1957 & 2264). It would have been obvious to modify Owashi et al. to include a storage medium selected from a group of storage mediums consisting of disk drive, cassette tape; CD, DVD, diskette drive, network storage, Zip Drive, Compact Flash, Smart Flash and minidisk such as that taught by Silverbrook et al. in order to have the system be interactive and be above to interact with several different forms of storage models.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(703) 306-5771**.

Behrang Badii
Patent Examiner
Art Unit 3621

PRIMARY EXAMINER

BB